

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

BRENT A. ADKINS,
Plaintiff,

vs.

MARATHON PETROLEUM
COMPANY, LP,
Defendant.

Case No. 1:17-cv-643
Dlott, J.
Litkovitz, M.J.

ORDER

This matter is before the Court on plaintiff's motion to quash the notices of deposition of Sheila Butler and Mitchell Stoller (Doc. 45), which are scheduled for July 2, 2019 and July 3, 2019 respectively. Plaintiff alleges that the witnesses are not available on the dates for which the depositions are noticed. Plaintiff also alleges there is a dispute over the proposed location and timing of the depositions. Plaintiff states he anticipates filing a motion to compel the week of July 1, 2019, to obtain safety management system and industrial hygiene documents from defendant, which the witnesses will require before their depositions can occur.

In the process of scheduling a telephone conference on the matter, defendant's counsel informed the Court by email that Marathon objects to plaintiff's cancellation of the depositions and disputes the substance of plaintiff's motion and arguments. Marathon has advised the Court that it will cancel the court reporter and not travel to the depositions, given plaintiff's representation that the witnesses cannot appear on the dates noticed.

It is hereby **ORDERED** that the depositions of Sheila Butler and Mitchell Stoller are postponed. Plaintiff must file its motion to compel no later than July 3, 2019. Once the motion to compel is fully briefed and resolved by the Court, the parties shall work together to select a mutually agreeable date, time, and place to hold such depositions. Plaintiff's motion to quash is

DENIED as moot.

IT IS SO ORDERED.

Date: 6/28/19


Karen L. Litkovitz
United States Magistrate Judge